

### **REMARKS**

This responds to the Office Action dated on September 17, 2007.

Claims 165, 218, and 252 are amended, no claims are canceled, claims 144-164, 168-184, 186-217, 221-235, 237-251, 253, 255 are withdrawn from consideration, and new claims 256-261 are added; as a result, claims 144-261 are now pending in this application and claims 165-167, 185, 218-220, 236, 252, 254, and 256-261 are under consideration.

Support for new claims 256-261 can be found in the specification, e.g., at column 6 lines 34-54 and at column 7, lines 5-11 (with reference to the parent application issued as U.S. patent no. 5,819,034).

#### **Telephone conversation with Examiner**

As discussed during the telephone conversation with Examiner on September 10, 2007, Applicants would like to reserve the right to reinstate claims that were withdrawn as the result of election of Group II, species 1 identified in the Restriction Requirement of July 6, 2007, should the respective independent claims be allowed.

#### **§251 Rejection of the Claims**

Claims 165-167, 185, 218-220, 236 and 252 were rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought. A rejection under 35 U.S.C. §251 is appropriate "If new subject matter is added to the disclosure, whether it be in the abstract, the specification, or the drawings," as stated in MPEP 2163.06. It is submitted that no new matter was introduced in the abstract, the specification, or the drawings and therefore the rejection under 35 U.S.C. § 251 is not proper. It is respectfully requested that the rejection be withdrawn

§112 Rejection of the Claims

Claims 165-167, 185, 218-220, 236 and 252 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Claims 165-167, 185, 218-220, 236 and 252 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 165-167, 185, 218-220, 236 and 252 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 165-167, 185, 218-220, 236 and 252 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements/steps/essential structural cooperative relationships of elements, such omission amounting to a gap between the elements.

Claims 165, 218, and 252 are amended to recite "personal information previously stored in a permanent memory in the client system." It is submitted that the rejections were overcome and it is respectfully requested that the rejections be withdrawn

§102 Rejection of the Claims

Claims 165-167, 185, 218-220, 236 and 252 were rejected under 35 U.S.C. § 102(e) as being anticipated by Florin et al. (U.S. Patent No. 5,621,456).

Florin is directed at presenting an improved audio-visual user interface that includes various user-selectable features for viewing and controlling a television, video tape recorder (VCR) and other audio-visual (A/V) devices. (Florin, 2: 19-23.) Florin discloses a home shopping interface in the context of a dedicated home shopping service, such as a television channel identified as "SHP" or "TV Shop." (Florin, 23: 19-23.) To order a product displayed on the user's screen, the user first depresses the select button to highlight the order icon. A personal identification order number window is displayed in which the user (using the numeric keypad on

the remote control device) inputs a personal identification number (PIN). After entering the PIN, the ok or select button is depressed to order the product. Once the PIN is entered into the system, a signal is provided to the service provider and a confirmation of the order, along with a delivery time is displayed to the user. (Florin, 24: 39-55.) The PIN, which is entered manually via the numeric pad on a remote control device, can be used to confirm a financial transaction, e.g., it can be transmitted to the service provider for payment for the product. (Florin, 13: 2-6; 22: 32-41.)

While Florin discloses requiring a user to enter the user's PIN to confirm a financial transaction or to place an order, Florin fails to disclose or suggest **"automatically** retrieving personal information," as recited in claim 165. Furthermore, Florin fails to disclose or suggest "retrieving personal information **previously stored ... in the client system**," as recited in claim 165. Thus, because Florin fails to disclose or suggest the features of claim 165, claim 165 and its dependent claims are patentable and should be allowed.

Claim 218 recites a processing unit to "automatically retrieve personal information previously stored in a permanent memory in the client system." Thus, claim 218 and its dependent claims are patentable for at least the reasons articulated with respect to claim 165.

Claim 252 recites a processing unit to "automatically retrieving personal information previously stored in a permanent memory in the client system." Thus, claim 252 and its dependent claims are patentable for at least the reasons articulated with respect to claim 165.

Filing Date: July 10, 2001

Title: APPARATUS FOR TRANSMITTING AND RECEIVING EXECUTABLE APPLICATIONS AS FOR A MULTIMEDIA SYSTEM,  
AND METHOD AND SYSTEM TO ORDER AN ITEM USING A DISTRIBUTED COMPUTING SYSTEMCONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date /February 29, 2008/

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of February 2008.

Name

Signature